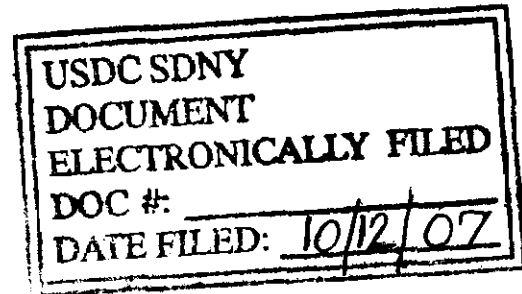


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
RAYMOND VAN COTT,

Plaintiff,

-against-

MELLON FINANCIAL CORPORATION,

Defendant.
-----X

PLAINTIFF'S NOTICE OF MOTION
TO REMAND THIS MATTER BACK
TO STATE COURT

2007 Civ. 5578 (MGC)(RLE)

ECF FILED

Upon the Declaration of Tracey S. Bernstein, Esq. and, sworn to on the 16TH day of August, 2007; the exhibits attached thereto; the memorandum of law in support of this motion; all pleadings filed in this case; and the Notice of Removal filed on June 11, 2007, plaintiff Raymond Van Cott ("plaintiff") hereby moves this Court, pursuant to 28 U.S.C. §1447(c), for an order remanding this matter back to New York State Supreme Court, New York County on the grounds that this Court lacks subject matter jurisdiction over the claim at issue.

This motion shall be heard at the United States Courthouse, Room 14A, 500 Pearl Street, New York, New York at 10:15 in the forenoon on September 27, 2007, or at such other time as this Court directs.

*Motion withdrawn.
So ordered.
October 11, 2007*

*5/
United States District Judge*